

to eliminate racism wherever it exists. Critical race theory and its propagation within the Federal Government through EO 13985 desecrates this paramount pursuit to eliminate racism.

(c) **PROHIBITION.**—No Executive agency may act in contravention of EO 13950, except as EO 13950 relates to contractors and grant recipients.

(d) **LIMITATION ON FUNDS.**—An Executive agency or any other recipient of Federal funds may not use Federal funds to teach or advance the idea, or otherwise award any grant or subgrant using Federal funds to any Executive agency, entity, or individual that teaches or otherwise advances the idea, that—

(1) one race is inherently superior or inferior to another race;

(2) an individual or a group of individuals, by virtue of the race of the individual or group of individuals—

(A) is superior or inferior to another individual, or a group of individuals, who is of a different race;

(B) bears responsibility or moral culpability for the actions committed by other individuals who are of the same race as the individual or group of individuals; or

(C) is inherently racist or oppressive, whether consciously or unconsciously;

(3) the race of an individual or a group of individuals is determinative of the moral worth of the individual or group of individuals;

(4) the United States is a fundamentally racist country; or

(5) the founding documents of the United States, including the Declaration of Independence and the Constitution of the United States, are fundamentally racist documents.

SA 2390. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division I, add the following:
SEC. 90009. RESTRICTION OF FUNDING FOR LOCAL EDUCATIONAL AGENCIES THAT DO NOT HAVE IN-PERSON INSTRUCTION.

Notwithstanding any other provision of this Act, or an amendment made by this Act, no funds shall be provided under this Act, or an amendment made by this Act, to a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) if any public elementary school or secondary school served by such agency does not provide, in the 2021–2022 school year, 5-day-a-week, in-classroom instruction for the students enrolled in the school in the same manner as 5-day-a-week, in-classroom instruction for the students enrolled in the school was provided in the 2018–2019 school year.

SA 2391. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid high-

ways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 304, between lines 3 and 4, insert the following:

SEC. 11320. LIMITATIONS ON CLAIMS.

(a) **IN GENERAL.**—Section 139(l) of title 23, United States Code, is amended by striking “150 days” each place it appears and inserting “90 days”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 330(e) of title 23, United States Code, is amended—

(A) in paragraph (2)(A), by striking “150 days” and inserting “90 days”; and

(B) in paragraph (3)(B)(i), by striking “150 days” and inserting “90 days”.

(2) Section 24201(a)(4) of title 49, United States Code, is amended by striking “of 150 days”.

On page 2304, strike line 15.

On page 2305, between lines 19 and 20, insert the following:

(C) in paragraph (4)(A), by striking “or (C)” and inserting “or (D)”; and

On page 2305, strike lines 21 through 23 and insert the following:

(A) in subparagraph (A)—

(i) by striking “coordination” and inserting “coordinated”; and

(ii) by striking “subparagraph (C)” and inserting “subparagraph (D)”; and

(B) by redesignating subparagraphs (B) through (G) as subparagraphs (C) through (H), respectively;

(C) by inserting after subparagraph (A) the following:

“(B) NOTICE OF INTENT AND SCOPING.—

“(i) **IN GENERAL.**—The permitting timetable under subparagraph (A) shall require that not later than 5 business days after the Coordinated Project Plan is required to be established under paragraph (1)(A), the lead agency shall publish in the Federal Register a notice of intent to prepare the relevant environmental document required by NEPA.

“(ii) **ENVIRONMENTAL IMPACT STATEMENTS.**—If the relevant environmental document required by NEPA is an environmental impact statement, the notice of intent required under clause (i) and the permitting timetable under subparagraph (A) shall provide for a public scoping period of not longer than 60 days, which shall begin not later than 30 days after the date on which the notice of intent is published.”;

(D) in clause (i) of subparagraph (E) (as so redesignated)—

On page 2306, line 11, strike “and” at the end.

On page 2306, strike line 15 and insert the following:

(iv) in subclause (IV) (as so redesignated), by striking “subparagraph (B)” and inserting “subparagraph (C)”; and

(E) in subparagraph (G) (as so redesignated)—

On page 2306, strike line 19.

On page 2306, between lines 21 and 22, insert the following:

(III) by striking “subparagraph (D)” and inserting “subparagraph (E)”; and

On page 2307, line 12, strike the period at the end and insert “; and”.

On page 2307, between lines 12 and 13, insert the following:

(F) in clause (iii) of subparagraph (H) (as so redesignated), by striking “subparagraph (F)” and inserting “subparagraph (G)”.

On page 2310, strike lines 23 and 24 and insert the following:

(4) by redesignating subsection (f) as subsection (h); and

On page 2311, strike lines 3 through 7 and insert the following:

“(f) **FINAL ENVIRONMENTAL IMPACT STATEMENT.**—

“(1) **INCORPORATION OF COMMENTS AND PUBLICATION OF FINAL ENVIRONMENTAL IMPACT STATEMENT.**—Subject to paragraph (2)(C), not later than 30 days after the date on which the public comment period for a draft environmental impact statement under subsection (d) ends, the lead agency shall—

“(A) incorporate any necessary changes; and

“(B) approve, adopt, and publish the final environmental impact statement.

“(2) **PREPARATION BY PROJECT SPONSOR.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of law, an environmental impact statement for a covered project shall not be considered legally insufficient solely because the draft environmental impact statement was prepared by, or under the supervision of, the project sponsor, if the lead agency—

“(i) furnishes guidance and participates in the preparation of the environmental impact statement;

“(ii) independently evaluates the environmental impact statement; and

“(iii) approves and adopts the environmental impact statement.

“(B) **APPROVAL AND ADOPTION OF DRAFT STATEMENT.**—If the lead agency approves and adopts a draft environmental impact statement described in subparagraph (A), the lead agency shall publish the draft environmental impact statement for public comment not later than 30 days after the date on which the lead agency receives the draft environmental impact statement.

“(C) **RESUBMISSION.**—If the lead agency determines that a draft environmental impact statement described in subparagraph (A) is legally insufficient or deficient in a respect that could affect the decision of a lead agency or a cooperating agency, the lead agency shall, not later than 30 days after the date on which the agency receives the draft environmental impact statement—

“(i) indicate all deficiencies in the draft environmental impact statement to the project sponsor for remediation; and

“(ii) allow the project sponsor to resubmit the draft detailed statement in accordance with subparagraph (B).

“(D) **SAVINGS PROVISION.**—The procedures under this paragraph shall not relieve any agency of—

“(i) any responsibility for the scope, objectivity, or content of an environmental impact statement; or

“(ii) any other responsibility under NEPA.

“(g) **RECORD OF DECISION.**—When an environmental impact statement is prepared, Federal agencies shall, to the maximum extent practicable, issue a record of decision not later than 90 days after the date on which the final environmental impact statement is issued.”.

On page 2311, line 20, strike “and” at the end.

On page 2311, strike lines 21 through 23 and insert the following:

(2) in subsection (b), in the matter preceding paragraph (1), by striking “In addition” and inserting “Subject to subsection (c), in addition”;

(3) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(4) by inserting after subsection (b) the following:

“(c) **PRELIMINARY INJUNCTIVE RELIEF IN NEPA ACTIONS.**—In the case of an action pertaining to an environmental review conducted under NEPA, a court shall not issue a temporary restraining order or preliminary injunction against an agency or a project sponsor in connection with the review or authorization of a covered project unless the court, in the discretion of the court, determines that—